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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,068	10/11/2001	Tim M. Hoberock	10010811-1	1566

7590 03/22/2006
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

TRAN, ELLEN C

ART UNIT PAPER NUMBER

2134

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/976,068

Applicant(s)

HOBEROCK ET AL.

Examiner

Ellen C. Tran

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-7, 9-16 and 21-28.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Supervising
Patricia H. Long
TC2100

Continuation of 3. NOTE: The same grounds of rejection are still applied against the claims.

Continuation of 11. does NOT place the application in condition for allowance because:

The applicant amended only some of the independent claims and is arguing all the claims are allowable. The applicant is also arguing that the amended independent claims do not present new issues. The Examiner disagrees for multiple reasons one because the amended claims incorporate features previously rejected with three references; therefore the arguments should be directed to all three references in combination. The applicant is arguing that Stolz does not teach using one means of authenticating a user initially and then activating an alternate means of authenticating a user for a specific predetermined period of time'. The Examiner disagrees because the references should be looked at in combination in addition Stolz indicates utilizing using two different means for authentication see '264 col. 20, lines 1-30, which describes to different means for authentication. Second the change to the independent claims significantly changes the interpretation of the invention, if the applicant is arguing that the features that make the claimed invention different from the prior art is that multiple authentication means are used for pre-determined time periods this should have presented initially, in addition it is recommended that more detail be added to differentiate the multiple authentication means from the prior art.

In addition applicant argues beginning on page 13, that the combination of Gulick, Shaffer, and Blank does not teach limitation of claims with limitation of an identifier comprises a credit card. The Examiner disagrees the applicant is arguing the references individual when they should be viewed in combination, the portion of Bank cited is only one example, Gulick also teaches the use of the smart card for authentication purposes. Note a credit card used for authentication for all intensive purposes is equivalent to a smart card.

In addition applicant argues beginning on page 15, that there is no motivation to the combine Gulick and Shaffer, the Examiner disagrees note Gulick does teach timing periods see Gulick col. 3, lines 1-25. The combination was used as explained in the office action because Shaffer address 'idle times' in combination with TOL applications.

DETAILED ACTION

1. This action is responsive to communication: 28 September 2005 with acknowledgement of an original application filing date of 11 October 2001.
2. Claims 1-7, 9-16, and 21-28 are currently pending in this application. Claims 1 and 9 are independent claims. Claims 1, 3, 4, 5, 9, 13, 14, and 15 have been amended. Claims 21-28 are new. Claims 8, and 17-20 have been cancelled. Amendments to the claims and specification are accepted.

Response to Arguments

3. Applicant's arguments with respect to 1-7, 9-16, and 21-28 have been considered but they are not persuasive when noted below; arguments not noted are moot due to the new grounds for rejection initiated by amendment to the claims.

In response to applicant's argument beginning on page 11, "*Claim 5 recites "wherein said lock control device is connected to said computer or computer terminal via connection that also connects a keyboard to said computer or computer terminal." The subject matter is neither taught nor suggested by Gulick*". The Office disagrees with argument Gulick does teach this limitation in col. 1, lines 57-65 and col. 2, lines 30-67, which explains how the south bridge 112 is used to interface devices to the rest of a computer system, such as a keyboard and how the invention is a device to protect the security of software and devices.

In response to applicant's argument on page 11, "*Claim 6 recites "wherein said lock control device controls access to a particular application residing on said computer or accessible through said computer terminal." This portion of Gulick, however, does not teach or suggest that a lock control device connected to a computer or computer terminal is used to*

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control access to a particular application residing on that computer or accessible through the computer terminal". The Office disagrees with argument, Gulick does teach this limitation in col. 7, lines 31-46, which describes how 'security operations' which is interpreted to be a specific application are secured in the secure execution mode (SEM).

In response to applicant's argument on page 11, *"Claim 7 recites "a computer network with at least one network server to which said computer is connected, wherein said lock control device controls access to said network server from said computer" ... Nowhere does Gulick teach or suggest the claimed subject matter in which a lock control device attached to a computer controls access to a network server accessible from that computer".* The Office disagrees Gulick does teach the indicated limitation in col. 48, line 32-36. Gulick indicates how the invention can be applied to a portable computer with a remote connection to a server. "The portable computer 5003 may include the logic 5007 and the timer 5009 shown in FIG39A".

In response to applicant's argument on page 12, *"Blank does not teach or suggest anything about using proximity cards or magnetic cards in connection with controlled access to a piece of office equipment".* The Office disagrees with the argument for at least two reasons. First Gulick does show controlling access to computer hardware through the use of proximity cards see col. 8, lines 12-33, the smart card reader is interpreted to have the same meaning as a proximity card. Blank was introduced as part of the 103 rejection because it utilized the exact term as claimed and shows that smart cards have the same meaning as "proximity cards", see Blank col. 9, lines 18-21.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 5, 6, 7, 9, 10, 15, 16, 24, and 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gulick et al. U.S. Patent No. 6,823,451 (hereinafter '451) in further view of Shaffer et al. U.S. Patent No. 6,145,083 (hereinafter '083).

As to independent claim 9, **"A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:"** is taught in '451 col. 8, lines 13-56;

"re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user" is taught in '451 col. 8, lines 46-56 and col. 9, lines 26-42;

the following is not taught in '451 **"timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into**

a locked state upon elapse of a pre-determined period during which no user input is received” however ‘083 teaches “In a first step, the computing device is configured to switch the device from a normal operative mode to a locked mode in response to detection of a preset condition, such as the expiration of an idle-time timer. Thus, if the computer remains idle for a preselected period of time, a computing device is switched to a locked mode that establishes a security condition with respect to data access capabilities and communication access capabilities. The computing device remains in the locked mode until a preset authorization condition is recognized. This preset authorization condition may be the entering of a password, but other authentication procedures may be required, e.g., a voiceprint recognition” in col. 2, lines 55-67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of ‘451 a device for security and manageability to include a means to time a period during which no user input is received and placing the equipment into a locked state. One in the art would have been motivated to perform such a modification to improve the ability to protect a computer system (see ‘083 col. 2, lines 6 et seq.) “A concern is that the use of a TOL application is inconsistent with screen saver applications. As noted above, if a computer remains idle for a selected period of time, the resources of the computer may be automatically locked to ensure data security. However, this locked mode disables the TOL application. Consequently, a person may not receive notification of an incoming call. Optionally, the TOL application may be dominant, so that an incoming call will override the screen saver. In this case, the security provided by the screen saver application is compromised. A person intent on accessing data of an unoccupied computer can unlock the resources of the computer merely by calling the computer from a second computer in the same area. As another alternative, the screen

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saver application may be dominant, so that the input of a password is required in order to access an incoming call. While this alternative ensures that an unattended computer is not unlocked by an incoming call, it requires that a user quickly enter the password into a computer that is the target of a business call and that is in the locked mode, or the business call will be missed”.

As to dependent claim 10, “wherein said piece of office equipment is a computer or computer terminal” is shown in ‘451 col. 8, lines 13-56.

As to dependent claim 13, “further comprising connecting said lock control device to said computer or computer terminal via a connector that also connects a keyboard to said computer or computer terminal” is disclosed in ‘451 col. 8, lines 46-56 and ‘451 col. 1, lines 57-65

As to dependent claim 14, “further comprising accessing a particular application residing on said computer or accessible through said computer terminal by presenting an identifier of said authorized user to said sensor of said lock control device” is taught in ‘451 col. 7, lines 31-46.

As to dependent claim 15, “further comprising accessing a network server on a computer network to which said computer is connected by presenting an identifier of said authorized user to said lock control device” is shown in ‘451 col. 47, line 59 through col. 48, line 3.

As to dependent claim 16, “further comprising: timing periods during which said computer or computer terminal receives no user input; locking up or logging out said computer upon elapse of a pre-determined period during which no user input is received;

and unlocking or logging in said computer upon operation of said lock control device” is disclosed in ‘451 col. 9, lines 4-43.

As to dependent claim 28, wherein said identifier comprises a biological characteristic of said user” is shown in ‘451 col. 8, lines 46-56.

As to independent claim 1, this claim is directed to the system of the method of claim 9, therefore it is rejected along similar rationale.

As to dependent claims 2, 5-7, and 24, these claims contain substantially similar subject matter as claims 10, 13-15, and 28; therefore they are rejected along similar rationale.

6. Claims 3, 4, 11, 12, 19, 23, and 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over ‘451 in further view of ‘083 in further view of Blank U.S. Patent No. 6,089,611 (hereinafter ‘611).

As to dependent claim 11, the following is not taught in ‘451 and ‘083 “**further comprising using a proximity card sensor as said lock control device**” however ‘611 teaches “An exemplary, non-limiting list of non-visibly identifiable indicia suitable for use in accordance with this embodiment of the invention includes magnetic strips, "biometric" identifying indicia such as fingerprint codes, photo retina IDs, surface-combined or embedded computer chips (such as those that emit electromagnetic radiation such as radio-frequency radiation that can be read by a nearby card reader), UV-light readable coding, proximity indicia of the contact and contactless type (i.e., cards including magnetic or electronic characteristics, which when brought into contact or nearly into contact with a reader can be read; so-called smart cards or proximity cards), holographic indicia such as three-dimensional holograms, and other types of non-visibly identifiable, encrypted indicia” in col. 9, lines 8-23.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of '451 and '083 a device for security and manageability to include a means to utilize a proximity sensor. One in the art would have been motivated to perform such a modification to eliminate the need for multiple and lengthy identification systems (see '611 col. 3 lines 48 et seq.) "Accordingly, the present invention is directed to solving the problem of the lengthy and multiple step process associated with registration of holders of cards provided by the prior art systems by providing a method and apparatus for instantly registering a holder of such cards".

As to dependent claim 12, "further comprising using a magnetic card reader as said lock control device" is shown in '451 col. 9, lines 8-23.

As to dependent claim 27, "wherein said identifier comprises a credit card" is disclosed in '611 col. 6, lines 50-64.

As to dependent claims 3, 4 and 23, these claims contain substantially similar subject matter as claims 11, 12, and 27; therefore they are rejected along similar rationale.

7. Claims 21, 22, 25, and 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over '451 in further view of '083 in further view of Stoltz et al. U.S. Patent No. 6,615,264 (hereinafter '264611).

As to dependent claim 25, the following is not taught in '451 and '083 "further comprising : initially unlocking said computer or computer terminal with entry of at least one password; and allowing a user to subsequently unlock said computer or computer terminal by presentation of said user identifier rather than re-entry of said at least one password" however '264 teaches "Further, it should be apparent that embodiments of the

invention can be used wherein no authentication of a user is performed. For example, in a trusted or secure environment there may be no need to verify the authenticity of a user. In one or more embodiments of the invention, a user is connected to a session only after being authenticated by authentication manager 204 or authentication modules 240. In such an embodiment, an authentication module 240 may authenticate all users merely when presented with a token or when any name is typed into a login session, for example. Thus, the user only needs to provide an identification (e.g., userID) or the terminal only needs to present a token. Consequently, if the user provides a valid userid (which may be designated as any id or any token), the user is given access to the session that is associated with the userID (or token). Such tokens may be utilized to keep track of session to token mappings so that if a user switches terminals, the appropriate session to transmit to the terminal may be determined merely by checking the mapping” in col. 19, line 65 through col. 20 line 10.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of '451 and '083 a device for security and manageability to include a means utilize a presentation of an identifier. One in the art would have been motivated to perform such a modification because the prior solutions do not provide a means to a flexible and user friendly means to control access to resources (see '264 col. 1 lines 26 et seq.) “The paradigms by which computer systems have been configured have changed over time ... Each time a user switches a terminal, the user must be authenticated to work at new terminal. Various authentication mechanisms may be utilized such as a user name and password, biometric information (e.g., fingerprint or retinal scan), a smart card, etc. Different types of sessions need to be supported at different terminals by varying users. The prior art does not provide a

satisfactory means to authenticate a user and control access to available network services/sessions and terminals based on the authentication”.

As to dependent claim 26, “further comprising unlocking said computer or computer terminal with said identifier for a predetermined period after entry of said at least one password, with re-entry of said password being required thereafter” is shown in ‘264 col. 7, lines 27-36 “Using embodiments of the invention, the use of a particular service may also be terminated if desired. For example, after a designated time period, a user's authentication may no longer be valid and such invalidity may act to terminate a session. Alternatively, a user may be requested to reauthenticate themselves every so often to ensure only authorized users are permitted access. Should a reauthentication attempt fail, a session may be terminated immediately”.

As to dependent claims 21 and 22, these claims contain substantially similar subject matter as claims 25 and 26; therefore they are rejected along similar rationale.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heath et al U.S. Patent No. 5,553,239 issued dated: Sep. 3, 1996

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened

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statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 6:00 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ellen Tran
Patent Examiner
Technology Center 2134
15 December 2005



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